HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12304 OF 2007

Dated: 18.06.2007

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Between:

K. Nagalakshmamma

..Petitioners

And

1. The Postmaster General, A.P.
   Southern Region, Kurnool and others.

..Respondents

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12304 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed aggrieved by the order, dated 11.4.2007 and 19.4.2007 in O.A.No.745 of 2006 and R.A.No.11 of 2007 passed by the Central Administrative Tribunal.

The petitioner herein is the applicant before the Tribunal.

Originally, the petitioner filed the above O.A. seeking to call for the records relating to the impugned order NO.B1/RT/06 dated 30.11.2006 including the consequential replacement of the applicant by respondent NO.3 on 4.12.2006 and quash the same by declaring the action of Respondents 2 to 5 as arbitrary and illegal being violation of Article 14, 15, 16 & 21 of the Constitution of India and consequently, direct the respondents herein to allow the applicant to work and complete the tenure as Sub Postmaster, Kanala.

The tribunal having observed that the respondents have taken a decision in terms of the instructions in the administrative interest and the allegations made by the applicant are baseless, dismissed the O.A. Having aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner as well as the learned Counsel for the respondents.

It is the case of the petitioner that after her tenure at Allagadda Head Post Office, for rotational transfer, she submitted her option of place as Panyam, which is nearer to the place, where her husband is working. Without

considering the same, the 2nd respondent posted her at Banaganapalle post office. Again the 2nd respondent for the convenience of the administration, has posted her on transfer as sub-post master, Kanala Sub-Post office vide order dated 30.5.2005. While she was working as such, the 2nd respondent again by an order dated 30.11.2006 transferred her to Nandyal post office and subsequently, on 4.12.2006, the 3rd respondent relieved her. It is contended that in order to facilitate the 3rd respondent, the transfer order 30.11.2006 has been issued, in contrary to the departmental circulars. It is further contended that within the period of 16 months, she has been transferred to Nandyal as Postal Assistant in the head office and it would amount to reversion and also reduction in pay scale. Therefore, the tribunal is not justified in upholding the order of the 2nd respondent.

On the other hand, it is contended by the respondents that owing to the death of one B. Gopal Reddy, the post of SPM., Kanala, became vacant and since no one volunteered to work there, the applicant was transferred by way of modification of her order of transfer and subsequently, on verification of her past record and involvement in the aspect of misappropriation, while she was working as Sub Post Master, she was again transferred and posted as PA, Nandyal. It is further submitted that instructions have been received from the Superintendent of Post Offices, Nandyal Division on 17.6.2007 stating that as a result of transfer of the petitioner from Kanala to Nandyal H.O. as PA., there is no reduction in pay and whoever PA works in a 'C' class, single handed office will be designated as SPM without any hike in Pay. Similarly, when a candidate is posted as PA from SPM, there will not be any reduction in pay and the transfer from Kanala to Nandyal HO as PA is not at all a reversion.

In the present facts and circumstances of the case, the order impugned does not warrant any interference by this Court.

At this juncture, it is contended by the learned Counsel for the petitioner that as the Sub-Post Master, she was entitled for free rent quarters. In reply, Sri R.Rajasekhara Reddy, the learned Assistant Solicitor General, submitted that if quarters are available they will be allotted in their own turn and alternatively, she would be getting her HRA as per the norms that are applicable to the postal services.

Recording the above submission as to the proceedings of the Superintendent of Post offices, Nandyal Division, dated 17.6.2007, and in view of the submission as to the quarters, I feel it just and proper to direct the authorities to consider the case of the petitioner for allotment of quarters, if available, in her turn.

Subject to the above direction, this writ petition is disposed of. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 18th June, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12304 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

18/06/2007

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